

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-12 (canceled).

Claim 13. (currently amended) An isolated nucleic acid fragment having promoter activity wherein said fragment comprises the nucleic acid sequence of SEQ ID NO:6, or SEQ ID NO:14, ~~SEQ ID NO:15 or SEQ ID NO:16.~~

14. (previously presented) A chimeric gene comprising at least one heterologous nucleic acid fragment operably linked to the isolated nucleic acid fragment of claim 13.

15. (previously presented) An expression construct comprising the chimeric gene of claim 14.

16. (previously presented) A plant comprising the chimeric gene of claim 14.

17. (previously presented) The plant of claim 16 wherein said plant is a monocot selected from the group consisting of corn, rice, wheat, barley and palm.

18. (previously presented) The plant of Claim 16 wherein said plant is a dicot selected from the group consisting of *Arabidopsis*, soybean, oilseed *Brassica*, peanut, sunflower, safflower, cotton, tobacco, tomato, potato, and cocoa.

19. (previously presented) The plant of claim 18 wherein said plant is soybean.

20. (previously presented) Seed of the plant as in any one of Claims 16, 17, 18, or 19 wherein said seed comprises in its genome the chimeric gene of claim 14.

21. (previously presented) A method of expressing at least one heterologous nucleic acid fragment in a plant cell which comprises:

- (a) transforming a plant cell with the chimeric gene of Claim 14;
- (b) growing at least one fertile mature plant from the transformed plant cell of step (a);
- (c) selecting at least one plant containing a transformed plant cell which expresses the heterologous nucleic acid fragment.

22. (previously presented) The method of Claim 21 wherein the plant is a monocot selected from the group consisting of corn, rice, wheat, barley and palm.

23. (previously presented) The method of Claim 21 wherein the plant is a dicot selected from the group consisting of *Arabidopsis*, soybean, oilseed *Brassica*, peanut, sunflower, safflower, cotton, tobacco, tomato, potato, and cocoa.

24. (previously presented) The method of Claim 23 wherein the plant is soybean.

Claims 25-28 (cancelled)